IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 21618 of 2007(W)

PETITIONER:

K.PADMANABHA, S/O. KOTI POOJARI,
CHERUGOLI, HOUSE NO.IV/168, MANGALAPADY,
KASARAGOD.

BY ADV. SRI.A.INEES

RESPONDENTS:
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1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, KASARAGOD.

2. THE REGIONAL TRANSPORT AUTHORITY,
KASARAGOD, REP. BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.21618/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE REGULAR PERMIT OF THE PETITIONER'S STAGE CARRIAGE KL-14/D-7377 DATED 8/8/1997.

EXT.P2: TRUE COPY OF THE NOTICE NO.C1/21091/2007/KSD. DATED 18/6/07 OF THE 1ST RESPONDENT.

EXT.P3: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE HIGH COURT OF KERALA IN W.A.NO.2056/2003 DT.21.10.2004.

EXT.P4: TRUE COPY OF THE NOTICE NO.C5/9960/06/W DATED 12/12/2006 OF THE SECRETARY, RTA, WAYANAD.

EXT.P5: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE HIGH COURT OF KERALA IN WPC NO.4321/07 DT.12.3.07.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 21618 OF 2007 W
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Dated this the 30th day of October, 2007

J U D G M E N T

Ext.P2 order is under challenge. By this order,petitioner was ordered to replace the existing Light Motor Vehicle Stage Carriage with a later model Medium Motor Vehicle Stage Carriage. This issue has been considered by a Division Bench of this court and in WA No.2056/03, the Government was directed to consider this as a general issue and take a decision in the matter. Until now, this matter has not been decided by the Government and pending such decision, various orders have been passed by this court permitting operators to continue the operation with Light Motor Vehicle. Ext.P5 is one of the judgments that has been rendered by this Court.

2. Having regard to the facts of this case and the facts that is decided in Ext.P5, I am satisfied that the issue is similar and that the petitioner is also entitled to similar relief.

Accordingly, quashing Ext.P2, I dispose of this writ petition

directing that the petitioner's application for renewal shall be considered and orders thereon will be passed irrespective of the fact that the vehicle offered is a Light Motor Vehicle. However, once the Government takes a decision as directed by the Division Bench in the Writ Appeal mentioned above, further operation of the petitioner will be only in terms of that decision.

ANTONY DOMINIC, JUDGE.

Rp